

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 17 2025

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

VIKRAM VALAME,

Plaintiff - Appellant,

v.

DONALD J. TRUMP; CRAIG T. BROWN;
JOEL C. SPANGENBERG; STEVEN L.
KETT; UNITED STATES OF AMERICA,
Selective Service System; ISMAIL
RAMSEY,

Defendants - Appellees.

No. 24-369

D.C. No. 5:23-cv-03018-NC

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Nathanael M. Cousins, Magistrate Judge, Presiding**

Submitted July 15, 2025***

Before: SILVERMAN, TALLMAN, and BUMATAY, Circuit Judges.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The parties consented to proceed before a magistrate judge. *See* 28 U.S.C. § 636(c).

*** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Vikram Valame appeals pro se from the district court's judgment dismissing his action challenging the constitutionality of the Military Selective Service Act ("MSSA"). We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under Fed. R. Civ. P. 12(b)(6). *Wilson v. Lynch*, 835 F.3d 1083, 1090 (9th Cir. 2016). We affirm.

The district court properly dismissed Valame's action because Valame failed to allege facts sufficient to state any plausible claim. *See Rostker v. Goldberg*, 453 U.S. 57, 83 (1981) (rejecting the argument that the MSSA is unconstitutional under the Fifth Amendment); *Newman v. Wengler*, 790 F.3d 876, 880 (9th Cir. 2015) (explaining that "we do not engage in anticipatory overruling of Supreme Court precedent"); *Somers v. Apple, Inc.*, 729 F.3d 953, 959 (9th Cir. 2013) (explaining that dismissal "under Rule 12(b)(6) is proper when the complaint either (1) lacks a cognizable legal theory or (2) fails to allege sufficient facts to support a cognizable legal theory"). We reject as meritless Valame's contention that the Equal Rights Amendment was ratified as the Twenty-Eighth Amendment to the Constitution.

All pending motions and requests are denied.

AFFIRMED.